

Serial No.: 09/827,595

REMARKS

Applicant respectfully requests reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional fee is required for this Amendment as the number of independent claims is less than three, and the total number of claims is less than twenty.

Request for Telephone Interview

Applicant kindly requests the Examiner to contact the undersigned at (847) 490-1400 to schedule a telephone interview, to discuss the merits of this Patent Application.

Amendment to the Claims

Applicant amended Claim 1 to clarify the claimed invention by reciting “coordinating the plurality of schedules using Benders decomposition.” Support for this Amendment can be found throughout Applicant’s Specification, such as, for example, at page 6, lines 5-20. Claim 2 has been amended for consistency in view of amended Claim 1.

Applicant added new Claims 6-10. Support for new Claims 6-10 can be found in original Claims 1-5, and throughout Applicant's Specification, such as, for example, at page 8, line 1, through page 9, line 22.

No new matter has been added to the claims by this Amendment.

Claim Rejections - 35 U.S.C. §101

Claims 1-5 have been rejected under 35 U.S.C. §101, as being directed to non-statutory subject matter. Applicant believes the above Amendment renders this rejection moot. In addition, Applicant provides the following remarks.

The Examiner identifies a two-prong test for determining non-statutory subject matter (Applicant notes no supporting citation of authority was given for this test; such a citation would be helpful for responding). The Examiner further classified Applicant's claimed invention as an "abstract idea." Applicant respectfully disagrees with the Examiner, and asserts Applicant's invention of Claim 1 is a practical application of an algorithm (*See* MPEP 2106 IV(A)). The invention actually does meet the Examiner's identified first prong, as the claimed invention is described in the Specification as having application in the technological field of, for example, power generation and maintenance of power generators and grids. Applicant disagrees with the Examiner's description of the claimed invention as "an idea of how to generate

Serial No.: 09/827,595

a schedule to coordinate independent tasks.” Applicant’s claimed invention is a new and useful process (statutory subject matter per 35 U.S.C. §101) for coordinating independent tasks to be performed by a plurality of independent entities.

Applicant requests reconsideration and withdrawal of the rejection of Claims 1-5 under 35 U.S.C. §101.

Claim Rejections - 35 U.S.C. §102

The rejection of Claims 1-3 under 35 U.S.C. §102(a and e) as anticipated by Furukawa et al., U.S. Patent 6,079,863, is respectfully traversed.

The Furukawa et al. Patent discloses a reservation control method for reserving times for use of a plurality of facilities. The Furukawa et al. Patent does not disclose or suggest Applicant’s invention of Claim 1 including: generating a plurality of schedules for performance of independent tasks, submitting the plurality of schedules to a master coordinator for approval or disapproval of the schedules, and coordinating the plurality of schedules using Benders decomposition. As the Furukawa et al. Patent does not disclose each and every limitation of Applicant’s amended Claim 1, the Furukawa et al. Patent does not anticipate Applicant’s claimed invention. Claims 2 and 3 depend from Claim 1, and are thus patentable for at least the same reasons as Claim 1.

For at least these reasons, Applicant respectfully requests withdrawal of the rejection of Claims 1-3 under 35 U.S.C. §102(a and e).

Claim Rejections - 35 U.S.C. §103

The rejection of Claims 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over Furukawa et al., U.S. Patent 6,079,863, is respectfully traversed. Claims 4 and 5 depend from amended Claim 1, are thus patentable for at least the same reasons as discussed above for amended Claim 1.

Furthermore, the Furukawa et al. Patent discloses a reservation control method for reserving times, and does not disclose or suggest applying the method to tasks for power grids or power companies. Contrary to the Examiner's reasoning on page 5 of the Office Action, and as discussed throughout Applicant's Specification, there are factors to be considered (e.g., taking power generators offline and ensuring sufficient power production and transmission capacities) in scheduling tasks related to power grids and power companies beyond simply reserving times, as disclosed in the Furukawa et al. Patent. Therefore, one skilled in the art would understand that the functions of the reservation control method of the Furukawa et al. Patent cannot simply be applied to power grids and power companies.

Serial No.: 09/827,595


For at least these reasons, Applicant respectfully requests withdrawal of the rejection of Claims 4 and 5 under 35 U.S.C. §103(a).

Conclusion

Applicant intends to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicant has not addressed in this response, Applicant's undersigned attorney requests a telephone interview with the Examiner.

Applicant sincerely believes that this Patent Application is now in condition for allowance and, thus, respectfully requests early allowance.

Respectfully submitted,



Mark D. Swanson
Regis. No. 48,498

Pauley Petersen & Erickson
2800 West Higgins Road
Suite 365
Hoffman Estates, Illinois 60195
(847) 490-1400
FAX (847) 490-1403